BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
July 1, 2008

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by George H. Schwartz, Chairman, at 1:03 P. M., Tuesday, July 1, 2008, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Harry E. Crisp, Mark Dudenhefer; Paul V. Milde; George H. Schwartz, Chairman; Cord A. Sterling; Robert "Bob" Woodson and M. S. "Joe" Brito, Vice Chairman.

Also in attendance were: Anthony J. Romanello, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Presentations by the Public. The following persons spoke on topics as identified:

Barbara Kirby - Preservation Planner.

Dana Brown - Developer issues; commended staff.

Lloyd Chittum - Consent Agenda item.

Kay Dudenhefer - Transportation Bond Referendum.

Road safety.

Lou Silver - Preservation Planner.

- Transportation Bond Referendum.

- Board members; citizen needs.

<u>Legislative</u>; <u>Presentations and Committee Reports by Board Members</u>. Board members spoke on topics as identified:

Mr. Brito - House built by Vocational Education Students (BOOTS

Program).

- Attended ribbon cutting of Berea Fire Station.

- Attended Girl Scout Gold Award Program.

- Attended Colonial Forge graduation ceremony.

- Add an item to Closed Meeting; requested Commonwealth

Attorney be present.

Mr. Crisp - Attended George Washington Fredericksburg Foundation's

Fabulous 4th at Ferry Farm.

Mr. Dudenhefer - Attended Audit Committee meetings.

- Attended Finance Committee meeting.

- Taxes.

Mr. Milde - H.B. 3202 regarding roads.

- Attended Parking Summit.

- Attended Medicorp meeting.

- Attended Potomac and Rappahannock Transportation

Commission meeting.

- Attended grand opening of the Globe and Laurel Restaurant in Stafford.
- Attended Aquia Harbour Lions Club meeting.
- Juvenile and Domestic Courthouse.
- Crows Nest.
- Attended Fredericksburg Chamber of Commerce meeting.
- Attended Brooke Point graduation ceremonies.
- Attended George Washington Regional Commission meeting.
- Attended Virginia Railway Express meeting.
- Attended Fire Company 2 banquet.
- Attended Planning Commission meeting.
- Attended Virginia Railway Express ribbon cutting of parking garage.
- Attended Brooke Fire Department installation of officers.
- Completed a Certified Supervisor course.
- Update on Planning Commission issues.
- Aquia Harbour Power Squadron.
- Senior citizen issues at Rowser Building.

Mr. Sterling -

No report.

Mr. Woodson

- Quantico.
- Globe and Laurel Restaurant in Stafford.
- Governor's School.
- Brooke Pointe High School graduation.
- Department of Social Services.
- Finance Committee.
- FAMPO; George Washington Regional Commission.

Mr. Schwartz

Attended Wayfinding sign.

Attended meeting on transportation; Governor Kaine in

attendance.

Attended meeting with Virginia Railway Express

Operations Board

Attended ribbon cutting for Berea Fire Station

Legislative; Report of the County Attorney. Mr. Joe Howard, County Attorney,

had no report.

Legislative; Report of the County Administrator. Mr. Anthony J. Romanello, County

Administrator, presented the following:

Keith Dayton, Director of Code Administration, gave a presentation on

amending the Development and Building Fees for Services Provided by Planning and

Zoning, Utilities, Code Administration and Fire and Rescue.

Mr. Mike Neuhard, Deputy County Administrator, commented further.

<u>Legislative</u>; <u>Closed Meeting Addition</u>. Mr. Brito motioned, seconded by Mr. Milde, to

add an item to Closed Meeting.

The Voting Board tally was:

Yea: (7)

Milde, Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (0)

Mr. Brito motioned, seconded by Mr. Woodson, to request the Commonwealth Attorney

attend Closed Meeting.

The Voting Board tally was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Woodson motioned, seconded by Mr. Brito, to adopt the Consent Agenda consisting of Items 1 thru 13, omitting Item 4, and 13.

The Voting Board tally was:

Yea: (7) Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of June 3, 2008.

On motion of Mr. Woodson, seconded by Mr. Brito, which carried by a vote of 7 to 0, the following was adopted:

<u>Item 2.</u> Budget and Finance; Approve Expenditure Listing

Resolution R08-363 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)
DATED JUNE 17, 2008 THROUGH JUNE 30, 2008

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008 that the above-mentioned EL be and it hereby is approved.

Item 3. Transportation; Petition VDOT to Include Pinehurst Lane, Piedmont Drive and Sawgrass Court within Somerset Landing Subdivision, Section 2 and London Way within Stonebridge of Widewater Subdivision, Section 2A, into the Secondary System of State **Highways**

Resolution R08-328 reads as follows:

A RESOLUTION, WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE PINEHURST LANE, PIEDMONT DRIVE AND SAWGRASS COURT WITHIN SOMERSET LANDING SUBDIVISION, SECTION 2, INTO THE SECONDARY SYSTEM OF STATE **HIGHWAYS**

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Pinehurst Lane, Piedmont Drive and Sawgrass Court within Somerset Landing, Subdivision, Section 2, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July 2008, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Somerset Landing Subdivision, Section 2, into the Secondary System of State Highways:

<u>Street</u>	<u>Station</u>	<u>Length</u>
Pinehurst Lane (SR-2126)	From: Inter. Landmark Dr. (SR-2125)	0.12 Mi.
	To: Inter. Piedmont Dr. (SR-2129)	50' ROW

Pinehurst Lane (SR-2126) From: Inter. Piedmont Dr. (SR-2129) 0.05 Mi.

To: 0.05 Mi. E. Inter. Piedmont Dr. (SR-2129) 50' ROW

Piedmont Drive (SR-2129) From: Inter. Landmark Dr. (SR-2125) 0.08 Mi.

To: Inter. Pinehurst Ln. (SR-2126) 50' ROW

Piedmont Drive (SR-2129) From: Inter. Pinehurst Ln. (SR-2126) 0.07 Mi.

To: Inter. Sawgrass Ct. (SR-2130) 50' ROW

Piedmont Drive (SR-2129) From: Inter. Sawgrass Ct. (SR-2130) 0.05 Mi.

To: 0.05 Mi. N. Inter. Sawgrass Ct. (SR-2130) 50' ROW

Sawgrass Court (SR-2130) From: Inter. Piedmont Dr. (SR-2129) 0.06 Mi.

To: 0.06 Mi. W. Inter. Piedmont Dr. (SR-2129) 50' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Somerset Landing Section 2, LR 050044055, PM 050000247, recorded November 2, 2005; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

Resolution R08-329 reads as follows:

A RESOLUTION, WHICH PETITIONS THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE LONDON WAY WITHIN STONEBRIDGE OF WIDEWATER SUBDIVISION, SECTION 2A, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add London Way within Stonebridge of Widewater Subdivision, Section 2A, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July 2008, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following street within Stonebridge of Widewater Subdivision, Section 2A, into the Secondary System of State Highways:

<u>Street</u> <u>Station</u> <u>Length</u>

London Way (SR-1572) From: Inter. Barclay Lane (SR-1571) 0.10 Mi.

To: 0.10 Mi. West Inter. Barclay Lane (SR-1571) 50' ROW

An unrestricted right-of-way (ROW), as indicated above, for this street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Stonebridge of Widewater Section 2A, PB 19 PG 260-265, recorded February 20, 1990; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

<u>Item 5. Parks and Recreation; Require Background Checks for Volunteers and Contract Instructors</u>

Resolution R08-361 reads as follows:

A RESOLUTION TO REQUIRE BACKGROUND CHECKS FOR PARKS AND RECREATION VOLUNTEERS AND CONTRACT INSTRUCTORS

WHEREAS, the purpose of performing background checks is to ensure a safe environment for children who participate in Parks and Recreation programs; and

WHEREAS, at a meeting on June 19, 2008, the Parks and Recreation Commission endorsed the Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the Board be and it hereby does require background checks be performed for Parks and Recreation volunteers and contract instructors, except for volunteers and employees between the ages of 15 and 17 who shall be required to sign the County's sworn statement or affirmation.

Item 6. Utilities; Execute a Contract for Uniform Rental Services

Resolution R08-350 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR UNIFORM RENTAL SERVICES

WHEREAS, the Department of Utilities provides uniform rental services to the majority of its employees; and

WHEREAS, the current contract with G&K Services expired on June 30th; and

WHEREAS, the City of Fairfax has a contract with G&K Services for similar services, that includes the Council of Governments (COG) rider clause, and provides Stafford the option to ride off the City of Fairfax contract; and

WHEREAS, funds have been appropriated in the FY2009 budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July 2008, that the County Administrator be and he hereby is authorized to execute a contract with G&K Services to provide uniform rental services for the Department of Utilities through June 30, 2009 at a cost not to exceed Sixty-three Thousand Three Hundred Seventy Dollars (\$63,370).

<u>Item 7. Utilities; Execute a Contract Extension for the Purchase of Liquid Aluminum Sulfate</u>

Resolution R08-351 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT AMENDMENT TO EXTEND THE
CONTRACT FOR THE PURCHASE OF LIQUID ALUMINUM SULFATE

WHEREAS, the Board has appropriated funds to be expended in FY2009 for the purchase of Liquid Aluminum Sulfate for use at the Aquia and Little Falls Run wastewater treatment facilities and Abel Lake Water Treatment Facility; and

WHEREAS, the current contract with General Chemical Performance Products, LLC contains provisions for two (2) additional one-year contract renewals; and

WHEREAS, staff has reviewed the per ton unit cost requested by the vendor for contract renewal and has found it to be reasonable given the current market conditions;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July 2008, that the County Administrator be and he hereby is authorized to execute a contract amendment with General Chemical

Performance Products, LLC to extend the current contract for Liquid Aluminum Sulfate for an additional one-year period with an estimated expenditure of Four Hundred Seventy-one Thousand Seven Hundred Sixty-four Dollars (\$471,764).

<u>Item 8. Utilities; Execute a Contract Extension for Biosolids Management Services</u>

Resolution R08-352 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT AMENDMENT TO EXTEND THE
CONTRACT FOR BIOSOLIDS MANAGEMENT SERVICES

WHEREAS, by Resolution R02-269, the Board authorized a contract for biosolids management services for the Department of Utilities; and

WHEREAS, the contract provided for an initial contract period of three (3) years and up to six (6) additional one-year extensions; and

WHEREAS, a contract amendment is needed to extend the contract through June 30, 2009; and

WHEREAS, funds have been appropriated in the FY2009 budget for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July 2008, that the County Administrator be and he hereby is authorized to execute a contract amendment with Synagro Mid-Atlantic to extend the current contract for Biosolids Management Services for an additional one-year period with an estimated expenditure of Five Hundred Fifteen Thousand Nine Hundred Dollars (\$515,900).

<u>Item 9. Legislative; Authorize Public Hearings.</u>

<u>Utilities</u>; Grant an Easement to Dominion Virginia Power.

Resolution R08-355 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR

TO ADVERTISE A PUBLIC HEARING REGARDING GRANTING AN

EASEMENT TO DOMINION VIRGINIA POWER

WHEREAS, Dominion Virginia Power has requested an easement across County

property located adjacent to and below the Kellogg Mill Road bridge over the Abel Lake

Reservoir to connect two (2) radial power feeds for the purpose of improving service

reliability and decreasing load demands; and

WHEREAS, the granting of this easement will have no known negative impact on

current or future operations of the Department of Utilities; and

WHEREAS, Section 15.2-1800 of the Code of Virginia (1950), as amended,

requires that a public hearing be held prior to the granting of such an easement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 1st day of July 2008, that the County Administrator be and he

hereby is authorized to advertise a public hearing to consider public comments regarding

the granting of this easement to Dominion Virginia Power.

Public Information; Execute a Non-Exclusive Cable Television Franchise Agreement

with Verizon Virginia Inc.

Resolution R08-357 reads as follows:

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO CONSIDER EXECUTION OF A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE AGREEMENT WITH VERIZON VIRGINIA INC.

WHEREAS, Verizon Virginia Inc. is constructing a fiber-to-the-house system in the County which presently offers only telephone and internet service; and

WHEREAS, Verizon Virginia Inc. desires to offer to offer its complete FiOS (fiber optic service) package which includes telephone, internet service and cable television to Stafford citizens; and

WHEREAS, the Telecommunications Commission has negotiated a franchise agreement with Verizon to provide cable video services in Stafford County; and

WHEREAS, the County and Verizon have agreed to terms that are incorporated in a new cable system franchise agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing to execute a non-exclusive cable television franchise agreement with Verizon Virginia Inc.

Resolution R08-334 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN
STAFFORD COUNTY CODE CHAPTER 15, ARTICLE VII, ENTITLED
"TOWING OF TRESPASSING MOTOR VEHICLES FROM PRIVATE
PROPERTY"

WHEREAS, the Board desires to consider amending the Stafford County Code to regulate the towing of trespassing motor vehicles from private property; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing to allow for presentation and public comment for the purpose of amending the Stafford County Code.

Item 10. Public Services; Renew a Contract for Custodial Services at County Facilities

Resolution R08-298 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO RENEW A CONTRACT FOR CUSTODIAL SERVICES AT VARIOUS
COUNTY FACILITIES

WHEREAS, the Department of Public Services, Property Management Division, desires the services of outside contractors to perform custodial services that are beyond the capabilities of County resources;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July 2008, that the County Administrator be and he hereby is authorized to execute a contract with CC Building Services in an amount not-to-exceed Two Hundred Fifty-one Thousand Six Hundred Four Dollars (\$251,604).

Item 11. Legislative; Approve a Proclamation to Recognize Fire and Rescue Department Personnel for their Annual "Fill the Boot" Campaign

Proclamation P08-09 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND FIRE
AND RESCUE DEPARTMENT PERSONNEL FOR THEIR ANNUAL
"FILL THE BOOT" CAMPAIGN

WHEREAS, fighting fires and responding to emergency medical calls require physical strength and stamina, extensive training, courage and selfless concern for the welfare of citizens; and

WHEREAS, fire and rescue personnel throughout the Commonwealth and the country have worked with the Muscular Dystrophy Association (MDA) for the past 54 years in the fight against neuromuscular diseases; and

WHEREAS, Stafford County Fire and Rescue Department personnel raised \$25,000 during their 2007 "Fill the Boot" campaign; and

WHEREAS, the Muscular Dystrophy Association and the families it serves are extremely grateful to all the Stafford fire and rescue personnel for their dedication to this worthy cause; and

WHEREAS, to continue their successful efforts to help discover cures for these devastating diseases, the Stafford County Firefighters Association, paramedics and emergency medical technicians will hold a "Fill the Boot" campaign during the Labor Day weekend at major intersections throughout the County; and

WHEREAS, these committed men and women hope to surpass the amount of money they collected during the 2007 campaign; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere, the outstanding community spirit exhibited by Stafford firefighters and emergency services personnel, and to urge residents to donate generously in support of their fundraising efforts on behalf of the MDA;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that Fire and Rescue Department personnel be and they hereby are recognized and commended for sponsoring the 2008 "Fill the Boot" campaign.

Item 12. Information Technology; Authorize a Contract for Broadcasting and Recording of Meetings and Scrolling County Information on Local Government Cable Channels

Resolution R08-371 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A CONTRACT TO VTS PRODUCTIONS, INC. TO PROVIDE
PROGRAMMING AND PLAYBACK OF SCROLLING COUNTY
INFORMATION AND BROADCASTING OF LIVE AND RECORDED
BOARD OF SUPERVISOR MEETINGS AND PLANNING COMMISSION
MEETINGS ON THE COUNTY'S LOCAL GOVERNMENT CABLE
CHANNELS.

WHEREAS, VTS Productions' proposal meets the County's requirements as stated in Request for Proposal #612084 for broadcasting Board of Supervisors and Planning Commission Meetings and providing scrolling information programming for the County's local government cable channels; and

WHEREAS, VTS Productions has been broadcasting local government meetings and providing local government programming since 1992; and

WHEREAS, VTS Productions is the largest independent government cable

producer in the area, and after completing a competitive proposal process and receiving

no other responsive proposals, it is recommended to accept VTS Productions' proposal;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 1st day of July, 2008, that the County Administrator be and he

hereby is authorized to execute a contract with VTS Productions, Inc. to provide

programming and playback of scrolling County information and broadcasting of live and

recorded Board of Supervisor meetings and Planning Commission meetings on the

County's local government cable channels in an amount not to exceed One Hundred Four

Thousand Six Hundred Dollars (\$104,600) for the contract period July 2008 – June 2009

with an option to renew annually for five (5) additional one (1) year periods with a

maximum annual percentage increase of four (4) percent.

Legislative; Authorize the County Administrator or Designees to Execute and Accept

Deeds for Dedication of Public Interest in Real Property. Mr. Milde commented.

The County Administrator gave a presentation.

Mr. Jeff Harvey, Director of Planning and Zoning, commented further.

Mr. Brito motioned, seconded by Mr. Sterling, to deny proposed Resolution R08-359 and

place on the Regular Agenda for the next Board meeting a discussion item regarding

same.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Legislative; Appoint Members to Boards, Authorities, Commissions and Committees.

Mr. Sterling commented.

Mr. Sterling motioned, seconded by Mr. Woodson, to adopt proposed Resolutions R08-365, R08-348 and R08-385 with a request for applications of at-large appointees be included in the Board package, identify appropriate Board member, and inform appointees.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Fredericksburg/Stafford Park Authority.

Resolution R08-365 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE FREDERICKSBURG-STAFFORD PARK AUTHORITY

WHEREAS, Section 15.2-5703 of the Code of Virginia (1950), as amended, authorizes the Board to appoint members to serve on the Fredericksburg-Stafford Park Authority; and

WHEREAS, the Board has previously appointed the following:

NAME <u>EXPIRATION</u>

Harry E. Crisp December 31, 2011

(Board of Supervisors)

Beverley Newlin December 31, 2011

(Member-At-Large)

John A. Gray December 31, 2007

(Member-At-Large)

VACANT December 31, 2010

(Member-At-Large)

WHEREAS, the term of John Gray expired on December 31, 2007; and

WHEREAS, a Member-At-Large vacancy exists; and

WHEREAS, the term of membership is four years; and

WHEREAS, the Board desires to fill the expired term and vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that

<u>NAME</u> <u>EXPIRATION</u>

John A. Gray December 31, 2011

(Member-At-Large)

Randy Walther December 31, 2010

(Member-At-Large)

be and they hereby are appointed to the Fredericksburg-Stafford Park Authority.

Rappahannock Area Community Services Board.

Resolution R08-348 reads as follows:

A RESOLUTION TO APPOINT A MEMBER TO THE RAPPAHANNOCK AREA COMMUNITY SERVICES BOARD

WHEREAS, Sections 37.1-194 through 37.1-200 of the Code of Virginia (1950), as amended, authorize the Board to appoint members to serve on the Rappahannock Area Community Services Board (RACSB); and

WHEREAS, the Board's Bylaws allow three members from each political jurisdiction in Planning District 16, who serve three-year terms that are staggered by year and expire at the end of the fiscal year; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u>	<u>EXPIRATION</u>
David A. Vaughn (Member-At-Large)	June 30, 2009
Annette Johnson (Member-At-Large)	June 30, 2010
Charles Cooper (Member-At-Large)	June 30, 2008

WHEREAS, Charles Cooper has submitted his resignation; and

WHEREAS, the Board desires to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that

<u>NAME</u> <u>EXPIRATION</u>

Matthew Zurasky

June 30, 2011

(Member-At-Large)

be and he hereby is appointed to the Rappahannock Area Community Services Board.

Widewater Community Development Authority.

Resolution R08-385 reads as follows:

A RESOLUTION TO APPOINT MEMBERS TO THE WIDEWATER COMMUNITY DEVELOPMENT AUTHORITY

WHEREAS, the Board adopted Ordinance O97-16 on April 1, 1997 which established the Widewater Community Development Authority; and

WHEREAS, Ordinance O97-16 provides for the appointment of five members to the Widewater Community Development Authority which shall be composed of a landowner within the boundaries of the district and other members from the engineering, construction, accounting, commercial finance, banking, real estate sales, land development, law and governmental finance areas; and

WHEREAS, the members are initially appointed for one to four years staggered terms, subsequent terms to be four years; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u> <u>EXPIRATION</u>

Maria Perrotte December 31, 2012

(Governmental Finance)

Angelo Amador December 31, 2012

(Law)

Louis E. Hoffman December 31, 2007

(Engineering)

December 31, 2008

(Commercial Finance)

December 31, 2001

(Land Development)

WHEREAS, the Board desires to fill these vacancies;

NOW, THERE FORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that:

<u>NAME</u> <u>EXPIRATION</u>

Zeke Moore December 31, 2012

(Engineering)

be and he hereby is appointed to the Widewater Community Development Authority.

<u>Transportation; Support Virginia Railway Express (VRE) Sale of Railcars and Purchase of New Gallery Style Railcars.</u> Ms. Jennifer Straub, Deputy Chief Executive Officer, Virginia Railway Express, gave a presentation and responded to Board members questions.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R08-372.

Discussion ensued.

The Voting Board tally was:

Yea: (4) Crisp, Dudenhefer, Milde, Schwartz

Nay: (2) Sterling, Brito

Abstain: (1) Woodson

Resolution R08-372 reads as follows:

A RESOLUTION TO AUTHORIZE THE VIRGINIA RAILWAY EXPRESS TO SELL THIRTEEN KAWASAKI RAILCARS AND TO PURCHASE TEN NEW GALLERY STYLE CARS TO ALLEVIATE MAINTENANCE EXPENSES IN ACCORDANCE WITH THE MASTER AGREEMENT

WHEREAS, the Northern Virginia Transportation Commission (NVTC) and the Potomac and Rappahannock Transportation Commission (PRTC), together with the member jurisdictions' governing bodies, jointly operate the Virginia Railway Express (VRE) commuter rail service in Northern Virginia pursuant to the Master Agreement dated, October 3, 1989, as amended; and

WHEREAS, VRE has been presented with a unique market opportunity to sell the Kawasaki fleet; and

WHEREAS, such a sale could standardize VRE's railcar fleet and reduce overall railcar maintenance costs; and

WHEREAS, the requirements for VRE's fleet size can be sustained through the acquisition of ten more Gallery style cars to replace the Kawasaki cars; and

WHEREAS, through competitive advertising and solicitation, buyers and sellers have been identified and two separate, but linked transactions are being recommended by VRE staff; and

WHEREAS, Stafford County, Virginia, is a Participating or Contributing Jurisdiction under the terms of the Master Agreement; and

WHEREAS, the Master Agreement provides that VRE shall utilize reasonable debt financing to the extent that such financing is advantageous and is in the interest of the parties to the Master Agreement, but requires that VRE not assume debt without the consent of all Participating and Contributing Jurisdictions; and

WHEREAS, the VRE Operations Board recommended that the Commissions and the participating Jurisdictions' governing bodies authorize the VRE Chief Executive Officer (CEO) to execute a sales agreement for the sale of thirteen (13) Kawasaki railcars and associated spare parts to the Maryland Department of Transportation for Twenty-two Million Dollars (\$22,000,000) and their assumption of the remaining federal interest; and

WHEREAS, the VRE Operations Board recommended that the Commissions and the participating Jurisdictions' governing bodies authorize the VRE CEO to purchase ten (10) new Gallery railcars from Sumitomo Corporation of America for \$22,000,000, plus a contingency of Six Hundred Sixty Thousand Dollars (\$660,000), for a total amount not to exceed Twenty-two Million Six Hundred Sixty Thousand Dollars (\$22,660,000); and

WHEREAS, the VRE Operations Board recommended that subject to approval by all VRE Master Agreement signatory member jurisdictions, the Commissions and the participating Jurisdictions' governing bodies authorize an increase to the Federal Railway

Administration (FRA) loan in an amount not to exceed Seventeen Million Three Hundred Fifty Thousand Dollars (\$17,350,000), with a term not to exceed Twenty-five (25) years, an interest rate of 4.74%, and a credit risk premium of 1.88%; and

WHEREAS, the Stafford County Board of Supervisors consents that the VRE CEO negotiate, complete, execute and deliver documents required to defease the 1997 Kawasaki bonds and pay any associated financing costs to a related payee; and

WHEREAS, the Stafford County Board of Supervisors consents, in accordance with the terms of the Master Agreement, in the incurrence of the FRA loan by NVTC, to finance the costs associated with the purchase of ten Gallery style cars;

NOW, THEREFORE, BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that if required by the FRA as a condition to the making of the FRA loan, the Board consents to the Commissions and the participating jurisdictions' governing bodies granting to the FRA security interests in the railcars and/or the Commissions rights to payment under the Master Agreement; and

BE IT FURTHER RESOLVED that the appropriate officers of the Stafford County Board of Supervisors are authorized to execute and deliver such agreements, instruments, and certificates as may be necessary to accomplish this foregoing; and

BE IT STILL FURTHER RESOLVED that a copy of this resolution be forwarded to the VRE CEO.

Recess. At 3:00 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:13 P. M. the Chairman called the meeting back to order.

Parks and Recreation; Bond Referendum. Mr. Sterling commented.

The County Administrator commented further.

Discussion ensued.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, requesting staff to provide additional information at the next Board meeting.

The Voting Board tally was:

Yea: (6) Dudenhefer, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (1) Milde

Transportation; Bond Referendum. Mr. Sterling commented.

Mr. Fulton deLamorton, Transportation Administrator, gave a presentation and responded to Board members questions.

Discussion ensued.

Mr. Brito motioned, seconded by Mr. Crisp, to adopt the Transportation Bond Committee recommendation and to eliminate the Sanford Drive project and add the Truslow Road section between Plantation Drive and Berea Church Road.

Discussion further ensued.

The Voting Board tally on the motion was:

Yea: (6) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (1) Milde

Mr. Woodson motioned, seconded by Mr. Dudenhefer, to adopt the Planning Commission's recommendations on Telegraph Road.

Discussion ensued.

Mr. Sterling made a friendly amendment to request that funds be made available to apply to the CSX Railroad Bridge.

Discussion further ensued.

The Voting Board tally on the motion as amended was:

Yea: (7) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer, Milde

Nay: (0)

Discussion further ensued.

Mr. Sterling motioned, seconded by Mr. Crisp, that the Transportation Bond Committee recommendations and the recommendations as amended today by the Board go back to the Transportation Bond Committee for the committee to structure the question that would be considered the with changes for the Bond Referendum and be brought forth to the August 19th in proper form for voters.

Discussion ensued.

Mr. Milde made a substitute motion, seconded by Mr. Dudenhefer, to consider the original motion and examine Juggins Road funding.

Discussion ensued.

Mr. Sterling made a second substitute motion, seconded by Mr. Milde, to examine funding of Juggins Road and paying of closing costs as well as the original motion.

The Voting Board tally was:

Yea: (6) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (1) Woodson

<u>Transportation</u>; <u>Discuss Revenue Sharing Program.</u> Mr. Fulton deLamorton gave a presentation and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, for staff to submit the application with the amendment which identifies a single project which is the Mountain View Road improvement project recommended by the Planning Commission and that the County request that the \$1M that the County is eligible for come from the State and the County will mach with the \$3.6M; in addition, the County Administrator is directed to reserve \$300,000 in the Transportation Fund to match the Economic Development Authorities money for when the Quantico Corporate Center project is ready.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

<u>Planning and Zoning</u>; <u>Award Contract to Prepare An Economic Impact Analysis for the Proposed Expanded Potomac River Basin Resource Protection Overlay District.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

Mr. Brito motioned, seconded by Mr. Woodson, to deny proposed Resolution R08-366.

Mr. Milde made a substitute motion, seconded by Mr. Sterling, to adopt proposed Resolution R08-366.

Discussion ensued.

The Voting Board tally on the substitute motion was:

Yea: (2) Milde, Sterling

Nay: (4) Schwartz, Woodson, Brito, Crisp

Absent: (1) Dudenhefer

Discussion further ensued.

Mr. Brito made a substitute motion, seconded by Mr. Woodson, to have a study done on the existing proposal reducing the scope to seven projects using the Planning Commission's recommended boundary.

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Mr. Sterling made a second substitute motion, seconded by Mr. Dudenhefer, to include economic impact analysis on the new designated area that would be included.

Discussion continued.

The Voting Board tally on the second substitute motion was:

Yea: (2) Sterling, Dudenhefer

Nay: (5) Woodson, Brito, Crisp, Milde, Schwartz

The Voting Board tally on the substitute motion was:

Yea: (4) Schwartz, Woodson, Brito, Crisp

Nay: (3) Sterling, Dudenhefer, Milde

<u>Legislative</u>; Comprehensive Plan Status Report by Pete Fields, Chairman of the Planning Commission. Mr. Fields, Chairman, Planning Commission and Arch DiPeppe, member of the Planning Commission, gave a presentation and responded to Board members questions.

Discussion ensued.

<u>Legislative</u>; <u>Presentation on Fredericksburg Regional Transit Bus Routes.</u> Ms. Kathleen M. Beck, Director of Public Transit, gave a presentation to the Board and responded to Board members questions.

Mr. Sterling motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-386.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Woodson, Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling

Nay: (0)

Resolution R08-386 reads as follows:

A RESOLUTION TO ENDORSE AND AUTHORIZE THE IMPLEMENTATION OF PROPOSED REVISIONS TO THE FREDERICKSBURG REGIONAL TRANSIT BUS ROUTES IN THE COUNTY

WHEREAS, FREDericksburg Regional Transit (FRED) provides bus service to the citizens of Stafford County; and

WHEREAS, the County pays for the FRED bus service; and

WHEREAS, the FRED subsidy allocated in the County's adopted FY2009 budget is \$477,656; and

WHEREAS, it is necessary that the bus routes must be revised to balance the FY2009 FRED budget for the County; and

WHEREAS, FRED staff developed a recommended proposal; and

WHEREAS, the Board has reviewed and considered the FRED proposal;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the Board he and it hereby does endorse the FRED proposal; and

BE IT FURTHER RESOLVED that the Board hereby authorizes the County Administrator and FREDericksburg Regional Transit to implement the aforementioned proposal.

<u>Legislative</u>; <u>Closed Meeting</u>. At 6:00 P.M., Mr. Sterling motioned, seconded by Mr. Milde, to adopt proposed Resolution CM08-16.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Resolution CM08-16 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and discuss in Closed Meeting the Disposition of County-Owned Real Property involving the Boat Property; a Personnel matter regarding the Board of Zoning Appeals appointment of legal counsel for Pending Litigation; a Personnel matter regarding the use of the County e-mail system by a Board Member; and Legal Advice regarding the Release of Confidential Attorney/Client Memos; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.3, and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 1st day of July, 2008, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 6:40 P. M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution CM08-16a.

The Voting Board tally was:

Yea: (6) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Brito (1) Brito

Resolution CM08-16a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JULY 1, 2008

WHEREAS, the Board has, on this the 1st day of July, 2008, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 1st day of July, 2008, that to the best of each

member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Recess. At 6:41 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:03 P.M., the Chairman called the meeting back to order.

Invocation. Mr. Schwartz gave the Invocation.

<u>Pledge of Allegiance.</u> Mr. Schwartz lead in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>Presentations by the Public</u>. The following persons spoke on items as identified:

Madeline Tinsley - Senior Citizen Program.

B. J. Lake - Senior Citizen Program.

Ruth Carlone - Salute to Stafford Day.

Dean Fetteroff - School budgets.

<u>Legislative</u>; Amend and Reordain Chapter 23 of the Stafford County Code by Adding Article X Entitled "Business, Professional and Occupational Tax".

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to defer this public hearing until we can put it in a venue large enough to accommodate people who are scattered throughout this building right now who cannot be in this chambers to express their opinion.

Mr. Milde offered a friendly amendment to reconvene in about an hour or an hour and a half or as long as it takes for staff to find a location – Brooke Point High School or Colonial Forge.

Mr. Dudenhefer accepted the amendment to the motion. Mr. Sterling seconded the amendment motion.

Discussion ensued.

The Voting Board tally was:

Yea: (2) Dudenhefer, Sterling

Nay: (5) Milde, Schwartz, Woodson, Brito, Crisp

Mr. Milde motioned, seconded by Mr. Dudenhefer, to defer this issue until the first meeting in January 2010.

The Voting Board tally was:

Yea: (3) Milde, Sterling, Dudenhefer

Nay: (4) Schwartz, Woodson, Brito, Crisp

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to defer this issue until we can get an auditorium nearby in September.

Discussion ensued.

The Voting Board tally was:

Yea: (2) Sterling, Dudenhefer

Nay: (5) Milde, Schwartz, Woodson, Brito, Crisp

Ms. Maria Perrotte, Chief Financial Officer, and Scott Mayausky, Commissioner of the Revenue, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following persons spoke:

Kenneth Mitchell

James Horton

Colleen Mceifresh

Nora Hartquist

Harold Bannister

Ruth Carlone

Paul Hicks

Sean Tarallo

Dean Fetterolf

Debra Rae Karnes

Juliet Rutledge

Mason Garner

Bill Dawn

Becky Reed

Peter Kearney

Stephanie Mounts

Barbara Guiffre

Patricia Kurpiel

Richard Nageotte

Yvette Nageotte

Yvonne Nageotte

Helen Cantrell

Deborah Deckard

Rafe Deckard

Douglas Filler

Jennifer Matthew

Marie Gozzi

Eric Herr

Lori Wideman

Andrew Hicks		
Fred Cannon		
Laurie Wieder		
William Hoyt		
Lucy Burns		
Andrea Coron		
Arch Dipeppe		
Jim McMath		
Tom Bjerke		
Eddie Graves		
Astrid Schafer		
Edward Zallejos		
Martha Kelley		
Myklind Messinger		
Holly Hazard		
Mark Osborn		
Gary Snellings		
Jack Bailey		
Sean McNally		
Patrick Walsh		
Don Singh		
Maureen Kendall		
Ted Parks		
Judith May		
Keith Angle		
Alfred King		
Walter Kreutzer		
Jennifer Fousek		
Donna Sayre		
Robert Hopkins		
John McQuiddy		

Nan Rollison
Linda Dugan
Bahi Kamel
Jim Brown
Skip Causey
Patricia Youngsen
Tom Gregory
Harvey Gold
Susan Holland
Carol Voss, M.D.
Everett Lovell
Mark Dean
Russ Moulton
Dianne Dawson
Alan Buston
Chris Sharon
Rob Rochon
Terry Decatur
George Wrightman
Beth Shanhols
Rick Morrow
Rick Hood
Wendy Surman
Carl Clawson
Alane Callander
David Beiler
Amy Johnson
Dan Wildman
Emily Anne

Bob Hagan

Kay Dudenhefer

Brian Halstead

Tom Cropp

Victor DeBord

George Whitehurst

David Taylor

Jo Knight

Roy Boswell

Patricia Gonzalez

Sameer Shalaby

The Chairman closed the public hearing.

Mr. Schwartz motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-64 with a change to substitute \$200,000 for the \$100,000 threshold and to make \$200,000 an exemption for all categories for all gross receipts and to set the maximum BPOL Tax at \$150,000 for all categories and the effective date of the Ordinance shall be January 1, 2010.

Mr. Sterling made a substitute motion, seconded by Mr. Milde, to deny proposed Ordinance O08-64.

Discussion ensued.

Recess. At 1:52 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 2:00 P. M. the Chairman called the meeting back to order.

Mr. Scott Mayausky, Commissioner of the Revenue, commented.

Discussion further ensued.

The Voting Board tally on the substitute motion to deny was:

Yea: (4) Brito, Dudenhefer, Milde, Sterling

Nay: (3) Crisp, Schwartz, Woodson

Mr. Brito motioned, seconded by Mr. Sterling, to reconsider.

The Voting Board tally on the reconsideration was:

Yea: (3) Schwartz, Brito, Crisp

Nay: (4) Dudenhefer, Milde, Sterling, Woodson

Mr. Woodson motioned, seconded by Mr. Crisp, to reconsider.

The Voting Board tally on the reconsideration was:

Yea: (4) Crisp, Schwartz, Brito, Woodson

Nay: (3) Dudenhefer, Milde, Sterling

The Voting Board tally on Mr. Brito's vote was:

Yea: (4) Crisp, Schwartz, Brito, Woodson

Nay: (3) Dudenhefer, Milde, Sterling

The Voting Board tally on the original substitute motion to deny was;

Yea: (4) Dudenhefer, Milde, Sterling, Crisp

Nay: (3) Woodson, Brito, Schwartz

Mr. Crisp motioned, seconded by Mr. Woodson, to reconsider was:

Yea: (4) Woodson, Brito, Schwartz Crisp

Nay: (3) Dudenhefer, Milde, Sterling

The Voting Board tally on the original substitute motion to deny was:

Yea: (3) Dudenhefer, Milde, Sterling

Nay: (4) Crisp, Woodson, Brito, Schwartz

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Mr. Sterling made an amendment to the original amendment motion, seconded by Mr. Milde, to add a further resolved that all revenues to be raised by BPOL be dedicated to the Transportation Fund.

The Voting Board tally on the amended motion was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

The Voting Board tally on the original motion, as amended, was:

Yea: (4) Crisp, Schwartz, Woodson, Brito

Nay: (3) Dudenhefer, Milde, Sterling

Ordinance O08-64 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 23, BY ADDING ARTICLE X, ENTITLED BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE

WHEREAS, the Board desires to amend Stafford County Code, Chapter 23, by adding Article X entitled "Business, Professional and Occupational License"; and

WHEREAS, the Board has conducted a public hearing and received public comments on the amendment of Chapter 23 of the Stafford County Code;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 1st day of July, 2008, that the Stafford County Code be and it is hereby is amended and reordained as follows, all other portions remaining unchanged:

ARTICLE X. BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSE

Sec. 23-200. Overriding conflicting ordinances.

Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other current ordinances or resolutions enacted by this governing body, whether or not compiled in the Code of this County, to the extent of any conflict, the following provisions shall be applicable to the levy, assessment, and collection of licenses required and taxes imposed on businesses, trades, professions and callings and upon the persons, firms and corporations engaged therein within this County.

Sec. 23-201. Definitions.

For the purposes of this article, unless otherwise required by the context:

Affiliated group means:

- (a) One or more chains of includable corporations connected through stock ownership with a common parent corporation which is an includable corporation if:
 - (1) Stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of each of the includable corporations, except the common parent corporation, is owned directly by one or more of the other includable corporations; and
 - (2) The common parent corporation directly owns stock possessing at least eighty (80) percent of the voting power of all classes of stock and at least eighty (80) percent of each class of the nonvoting stock of at least one of the other includable corporations. As used in this subdivision, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends. The term "includable corporation" means any corporation within the affiliated group, irrespective of the state or country of its

- incorporation; and the term "receipts" includes gross receipts and gross income.
- (b) Two (2) or more corporations if five (5) or fewer persons who are individuals, estates or trusts own stock possessing:
 - (1) At least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote or at least eighty (80) percent of the total value of shares of all classes of the stock of each corporation, and
 - (2) More than fifty (50) percent of the total combined voting power of all classes of stock entitled to vote or more than fifty (50) percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

When one or more of the includable corporations, including the common parent corporation is a nonstock corporation, the term "stock" as used in this subdivision shall refer to the nonstock corporation membership or membership voting rights, as is appropriate to the context.

Assessment means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case maybe.

Assessor or assessing official means the Commissioner of the Revenue of this County.

Base year means the calendar year preceding the license year, except for contractors subject to the provisions of § 58.1-3715 of the Code of Virginia (1950), as amended.

Broker shall mean an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

Business means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

<u>Commodity</u> shall mean staples such as wool, cotton, etc. which are traded on a commodity exchange and on which there is trading in futures.

Contractor shall have the meaning prescribed in § 58.1-3714 of the Code of Virginia (1950), as amended, of whether such work is done or offered to be done by day labor, general contract or subcontract.

Dealer for purposes of this Article shall mean any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

Definite place of business means an office or a location at which occurs a regular and continuous course of dealing for thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise

gained from another person on a temporary or seasonal basis; and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not licensable as a peddler or itinerant merchant.

Financial services means the buying, selling, handling, managing, investing, and providing of advice regarding money, credit, securities and other investments and shall include the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this article. Examples include, but are not limited to the following:

Buying installment receivables

Chattel mortgage financing

Consumer financing

Credit card services

Credit unions

Factors

Financing accounts receivable

Industrial loan companies

<u>Installment financing</u>

Inventory financing

Loan or mortgage brokers

Loan or mortgage companies

Safety deposit box companies

Security and commodity brokers and services

Stockbroker

Working capital financing

Gross receipts means the whole, entire, total receipts attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia (1950), as amended.

License year means the calendar year for which a license is issued for the privilege of engaging in business.

Person shall mean any individual, firm, partnership, co-partnership, corporation, company, association or joint stock association. Such term shall include any trustee, receiver, assignee or personal representative thereof carrying on or continuing a business, profession, trade or occupation, but shall not include a court appointed trustee, receiver or personal representative in the liquidation of assets for immediate distribution or a sergeant, sheriff or any deputy selling under authority of process or writ of a court or justice. Such term shall not include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities and facilities for the welfare of the residents of the area.

Personal services shall mean rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this article, rendered in any other business or occupation not specifically classified in this article unless exempted from local license tax by Title 58.1 of the Code of Virginia (1950), as amended.

Professional services means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to § 58.1-3701 of the Code of Virginia (1950), as amended. The Department shall identify and list each occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising,

guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The word *profession* implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

Purchases shall mean all goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesaler or wholesale merchant and sold or offered for sale. Such merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine or chooses not to disclose the cost of manufacture.

Real estate services shall mean rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this article, and such services include, but are not limited to, the following:

Appraisers of real estate

Escrow agents, real estate

Fiduciaries, real estate

Lessor of real property

Real estate agents, brokers and managers

Real estate selling agents

Rental agents for real estate

Retailer or retail merchant shall mean any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial and industrial users.

Security for purposes of this article shall have the same meaning as in the Securities Act (§ 3.1-501 et. seq.) of the Code of Virginia (1950), as amended, or in similar laws of the United States regulating the sale of securities.

<u>Services</u> shall mean things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

Wholesaler or wholesale merchant shall mean any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial, government and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

Sec. 23-202. Licensing Generally

- (a) <u>License Required.</u> Every person engaging in this County in any business, trade, profession, occupation or calling (collectively hereinafter "a business") as defined in this article, shall apply for a license for each such business if:
 - (1) Such person maintains a definite place of business in this County;
 - (2) Such person does not maintain a definite office anywhere but does maintain an abode in this County, which abode for the purposes of this article shall be deemed a definite place of business,
 - (3) There is no definite place of business but such person operates amusement machines, is engaged as a peddler or itinerant merchant, carnival or circus as specified in §§ 58.1-3717, 58.1-3718, or 58.1-3728, respectively, of the Code of Virginia (1950), as amended; or is a contractor subject to § 58.1-3715 of the Code of Virginia (1950), as amended; or is a public service corporation subject to § 58.1-3731 of the Code of Virginia (1950), as amended; or

- (4) The person is a contractor conducting business in the County for less than thirty (30) days without a definite place of business in the Commonwealth of Virginia and where the amount of business done by such person in the County exceeds or will exceed the sum of twenty-five thousand dollars (\$25,000) for the license year.
- (b) Separate License for Each Place of Business. A separate license shall be required for each definite place of business. A person engaged in two (2) or more businesses or professions carried on at the same place of business may elect to obtain one (1) license for all such businesses and professions if all of the following criteria are satisfied:
 - (1) Each business or profession is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of this County;
 - (2) All of the businesses or professions are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses and professions at the highest rate; and
 - (3) The taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.
- Application for License. All businesses affected or embraced by this article shall make application for licenses to the County Commissioner of the Revenue ("Commissioner"). The Commissioner shall furnish the necessary forms, which shall be properly filled in with such information as the Commissioner may require. The Commissioner shall compute the amount of license tax and, after payment has been received by the County Treasurer, the license shall be issued; provided, however, that a business license may not be issued until the applicant has produced satisfactory evidence that all delinquent business license, personal property, meals, transient occupancy,

severance and admissions taxes owed by the business to County have been paid. Renewal applications shall be filed with the Commissioner.

- (d) Required Information; Failure to Provide Information. Every applicant for a license to conduct any business, profession, trade, or occupation under the provisions of this article shall furnish the Commissioner of the Revenue, in writing, with the correct name and trade name, if any, of the applicant, the correct physical residence of the applicant, the nature of the business, profession, trade, or occupation to be pursued, the place where it is to be pursued, and a record of gross receipts, verified by oath, for the past year, as well as such information as may be required by law. In the event of a failure or refusal to file with the assessing official the information necessary to enable him or her to assess a license tax on the basis provided by law, such assessing official shall assess such license tax upon the best information obtainable, adding thereto the penalty prescribed by law.
- (e) License Fee. Every person engaged in a business, profession, trade, or occupation subject to licensure under this article shall be assessed and required to pay annually a fee in the amount of fifty dollars (\$50.00) for the issuance of such license.
- (f) Declaration Required. Every person engaged in a business, profession, trade, or occupation must file a declaration of gross receipts with the Commissioner of the Revenue annually, regardless of an exemption from the payment of a license tax or fee.

Sec. 23-203. Payment of License Tax

(a) Due Dates. Each person subject to a license tax shall apply for a license prior to beginning business, if he was not subject to licensing in this County on or before January 1 of the license year, or no later than March 1 of the current

License for Persons Beginning Business, Etc. For the purpose of ascertaining the license tax to be paid by any person beginning a new business, employment or profession, and whose license tax is based on gross receipts, gross sales, gross purchases, gross commissions, gross contracts or orders, the licensee shall estimate the basis for measuring the license tax between the date of commencing business and the 31st of December following.

- (b) Estimation of License Tax. The license tax of every person who was licensed at a definite place of business within the County for only a part of the preceding license year shall be computed for the then current license year on the basis of an estimate of the amount of gross receipts, gross sales or gross purchases which the licensee will make throughout the then current license year, except that any commission merchant or wholesale merchandise broker shall be licensed on the basis of gross commissions of the next preceding license year or any parts thereof.
- (c) Underestimate. Every underestimate under this section shall be subject to correction by the commissioner of the revenue, whose duty it shall be to assess such licensee with such additional taxes as may be found to be due after the close of the license year on the basis of gross receipts, gross sales, gross purchases, gross commissions or gross contracts or orders. In case of overestimate, the commissioner of the revenue shall order a credit which is applied to the current license tax or if business has ceased, then a refund will be issued in the amount of the overpaid tax.
- (d) Extension. The assessing official may grant an extension of time, not to exceed ninety (90) days, in which to file an application for a license, for reasonable cause. The request for an extension shall be filed on or before March 1 of the current license year. The extension shall be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest

from the due date until the date paid and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of ten (10) percent of the portion paid after the due date.

- Penalty for Failure to File and Pay When Due. A penalty of ten (10) percent (e) of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Any such penalty shall become a part of the tax. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty (30) days the treasurer may impose a ten (10) percent late payment penalty. The penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control. The Commissioner of Revenue, or designee, shall make the determination of fault relating to a taxpayer's failure to file or pay, and this determination shall be final.
 - (1) "Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

- (2) "Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.
- (g) Interest. Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this article from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under § 58.1-3916 of the Code of Virginia (1950), as amended. No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, in event of such adjustment, provided the refund or the late payment is made not more than thirty (30) days from (i) the date of the payment that created the refund, or (ii) the due date of the tax, whichever is later.

Sec. 23-204. Exemptions from license tax.

(a) No license tax shall be levied under this article on a volunteer fire department, rescue squad or auxiliary unit thereof; on an association of war veterans or auxiliary units thereof; on a fraternal lodge operating under the lodge system; or on a church, school or other nonprofit, tax-exempt, charitable organization.

- (b) No license tax shall be levied under this article on any person, entity or activity exempt from such tax under provisions of § 58.1-3703(C) of the Code of Virginia (1950), as amended.
- (c) All persons engaged in a business, profession, trade, or occupation subject to licensure, whose annual gross receipts are Two Hundred Thousand Dollars (\$200,000) or less, shall be exempt from the payment of a license tax.
- (d) The first Two Hundred Thousand Dollars (\$200,000) in gross receipts shall be exempt from the payment of a license tax.

Sec. 23-205. Situs of gross receipts.

- (a) General rule. Whenever the tax imposed by this article is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a licensable privilege at a definite place of business within this County. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one or more definite places of business or offices as follows:
 - (1) The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of § 58.1-3715 of the Code of Virginia (1950), as amended.
 - (2) The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business,

then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two (2) or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the Department of Taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each County.

- (3) The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.
- (4) The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.
- (b) Apportionment. If the licensee has more than one definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule, except as to circumstances set forth in § 58.1-3709 of the Code of Virginia (1950), as amended, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to a definite place of business in another County shall not be attributed to this County solely because the other

- County does not impose a tax on the gross receipts attributable to the definite place of business in such other County.
- Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than one hundred (100) percent of its gross receipts from all locations in the affected counties, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

Sec. 23-206. Limitations and extensions.

- Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this article, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon.

 The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.
- (b) Notwithstanding § 58.1-3903 of the Code of Virginia (1950), as amended, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six (6) preceding years.

(c) The period for collecting any local license tax shall not expire prior to the period specified in § 58.1-3940 of the Code of Virginia (1950), as amended, two (2) years after the date of assessment if the period for assessment has been extended pursuant to this subdivision, two (2) years after the final determination of an appeal for which collection has been stayed pursuant to subsection 23-207(b) or 23-207(c) of this article, or two (2) years after the final decision in a court application pursuant to § 58.1-3984 of the Code of Virginia (1950), as amended, or similar law for which collection has been stayed, whichever is later.

Sec. 23-207. Appeals and rulings.

- (a) Any person assessed with a licensing tax under this article as the result of an audit may apply within ninety (90) days from the date of the assessment to the assessing official for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, further audit, or other evidence deemed necessary for a proper and equitable determination of the applications. The assessment shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth its position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in the County (e.g., the name and address to which an application should be directed).
- (b) Provided an application is made within ninety (90) days of an assessment, collection activity shall be suspended until a final determination is issued by

the assessor, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subsection 23-203(g) of this article, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires (i) to depart quickly from the County, (ii) to remove his property there from, (iii) to conceal himself or his property therein, or (iv) to do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

- (c) Any person assessed with a license tax under this chapter as a result of an audit may apply within ninety (90) days of the determination by the assessing official on an application pursuant to subsection 23-207(a) above to the Tax Commissioner for a correction of such assessment. The Tax Commissioner shall issue a determination to the taxpayer within ninety (90) days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to § 58.1-1821 of the Code of Virginia (1950), as amended, and the Tax Commissioner may issue an order correcting such assessment pursuant to § 58.1-1822 of the Code of Virginia (1950), as amended. Following such an order, either the taxpayer or the assessing official may apply to the appropriate circuit court pursuant to § 58.1-3984 of the Code of Virginia (1950), as amended. However, the burden shall be on the party making the application to show that the ruling of the Tax Commissioner is erroneous. Neither the Tax Commissioner nor the Department of Taxation shall be made a party to an application to correct an assessment merely because the Tax Commissioner has ruled on it.
- (d) On receipt of a notice of intent to file an appeal to the Tax Commissioner under subsection 23-207(c) above, the assessing official shall further suspend

collection activity until a final determination is issued by the Tax Commissioner, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of subsection 23-203(g), but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in subsection 23-207(b) above.

(e) Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer.

Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or the guidelines issued by the Department of Taxation upon which the ruling was based or, (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

Sec. 23-208. Recordkeeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege

exercised within this County. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this County, copies of the appropriate books and records shall be sent to the assessor's office upon demand.

Sec. 23-209. Exclusions and deductions from "gross receipts."

- (a) General rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or profession in the ordinary course of business or profession.
- (b) The following items shall be excluded from gross receipts:
 - (1) Amounts received and paid to the United States, the Commonwealth or any County, city or town for the Virginia retail sales or use tax, or for any local sales tax or any local excise tax on cigarettes, for any federal or state excise taxes on motor fuels.
 - (2) Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).
 - (3) Any amount representing returns and allowances granted by the business to its customer.
 - (4) Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.
 - (5) Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the return of principal or basis upon the sale of a capital asset.
 - (6) Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror,

- and which the recipient assigns to the licensee in consideration of the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.
- (7) Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.
- (8) Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.
- (c) The following shall be deducted from gross receipts or gross purchases that would otherwise be taxable:
 - (1) Any amount paid for computer hardware and software sold to a United States federal or state government entity provided such property was purchased within two years of the sale to said entity by the original purchaser who shall have been contractually obligated at the time of purchase to resell such property to a state or federal government entity. This deduction shall not occur until the time of resale and shall apply to only the original cost of the property and not to its resale price, and the deduction shall not apply to any of the tangible personal property which was the subject of the original resale contract if it is not resold to a state or federal government entity in accordance with the original contract obligation.

(2) Any receipts attributable to business conducted in another state or foreign country in which the taxpayer is liable for an income or other tax based upon income.

Sec. 23-210. License Tax Rate.

- In addition to the fee specified in subsection 23-202(e), any person engaged in a business, profession, trade, or occupation with gross receipts of two hundred thousand dollars (\$200,000) or more shall be assessed and required to pay annually a license tax on gross receipts or a flat tax at the rate established for the particular enterprise as set below:
 - (1) For contractors and persons constructing for their own account for sale, eight cents (\$0.08) per one hundred dollars (\$100.00) of gross receipts;
 - (2) For retailers, ten cents (\$0.10) per one hundred dollars (\$100.00) of gross receipts;
 - (3) For financial, real estate and professional services, twenty-nine cents (\$0.29) per one hundred dollars (\$100.00) of gross receipts;
 - (4) For repair, personal and business services and all other businesses and occupations not specifically listed or exempted in this chapter or otherwise by law, eighteen cents (\$0.18) per one hundred dollars (\$100.00) of gross receipts;
 - (5) For wholesalers, two and one-half cents (\$0.025) per one hundred dollars (\$100.00) of purchases;
 - (6) For carnivals, circuses and speedways, five hundred dollars (\$500.00) for each performance held in this County;
 - (7) For fortune tellers, clairvoyants and practitioners of palmistry, five hundred dollars (\$500.00) per year;
 - (8) For itinerant merchants or peddlers, two hundred fifty dollars (\$250.00) per year. This section shall not apply to the following persons:
 - a. Persons who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables,

- fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. Such persons are not subject to taxation under this chapter; and
- b. An individual who sells or offers for sale, in person, goods, which have been grown, produced, improved or enhanced by such individual, in one (1) of the following situations:
 - i. At a bazaar held in a place operated by a bona fide nonprofit charitable organization, which is conducted to raise money for such organizations, provided, that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this County; or
 - ii. At a bazaar held in a public building (including schools), which is conducted to raise money for a bona fide nonprofit organization, provided, that such individual does not participate in more than four (4) bazaars or craft shows per calendar year in this County; or
 - iii. At a craft show held outside of the places identified in subsections

 a. and b. above, provided (i) that the sponsor of the craft show pays

 a sum equal to the itinerant merchant's business license tax for

 each person participating in the craft show; and (ii) that such
 individual does not participate in more than four (4) bazaars or

 craft shows per calendar year in this County. A sponsor's total
 obligation for any single craft show shall not exceed the sum of
 fifteen hundred dollars (\$1,500.00); or
 - iv. A sale of goods by persons participating in fund raising activities for a bona fide nonprofit service organization where the proceeds from the rental of the sales space, table, booth or the like are delivered to such organization, where such organization does not conduct more than four (4) such fund raising activities per calendar year and where the seller has not participated in a total of more than four (4) activities exempted under this section per calendar year.

- c. A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants;
- d. A distributor or vendor of motor fuels and petroleum products;
- e. A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him;
- f. A farmer or producer of agricultural products who sells only the farm
 or agricultural products produced or grown by him;
- g. A farmers' cooperative association;
- h. A manufacturer who is subject to Virginia tax on intangible personal property who peddles at wholesale, only the goods, wares or merchandise manufactured by him at a plant, whose intangible personal property is taxed by this Commonwealth;
- i. A sale of goods by students participating in a business education program in a school;
- j. A sale of goods by persons participating in fund raising activities for a school-sponsored organization or for a bona fide nonprofit charitable organization, where all of the proceeds of such sale are delivered to such organization.
- (9) For photographers, meaning every such person who has no regularly established place of business in this state and who provides photographers' services consisting of taking of pictures or the making of pictorial reproductions in this state and every agent or canvasser for such photographer and who conducts or engages in business in the County shall pay for the privilege an annual license tax of fifteen dollars (\$15.00).
- (10) For direct sellers as defined in § 58.1-3719.1 of the Code of Virginia (1950), as amended, with total annual sales in excess of \$4,000 per year, ten (\$0.10) cents per one hundred dollars (\$100.00) of total annual retail sales or two and on-half cents (\$0.025) per one hundred dollars (\$100.00) of total annual wholesale sales, whichever is applicable.

- (11) For savings institutions and credit unions, twenty-five (\$25) dollars and shall be levied only where the main office is located.
- (b) Notwithstanding the provisions hereinabove, the total tax on annual gross receipts levied pursuant to this chapter on any individual person or business shall not exceed one hundred fifty thousand (\$150,000) in any tax year.

Sec. 23-211. Certification of erroneous assessments, refunds of license taxes.

- (a) The assessing official is authorized to certify to the treasurer any instances of erroneous assessments of license taxes. Upon receipt of such certificate consented to by the County attorney, the treasurer shall make the appropriate refund.
- (b) Licenses issued under the provisions of this article based on gross receipts or gross expenditures shall be subject to refund where the licensee goes out of business before the end of the then current license tax year subject to all of the following qualifications:
 - (1) Licenses for the current license tax year shall be based on gross receipts or gross expenditures obtained throughout the preceding calendar year.
 - (2) The reason for going out of business is not connected in any manner with the violation of any state law or local ordinance or violation of any rules and regulations made pursuant thereto.
 - (3) The refund shall be determined by the assessing official and shall be prorated for the number of months that the business operated during the then current license tax year.

Sec. 23-212. Revocation of licenses.

Any license granted under this article may be revoked by the assessing official upon the failure of any licensee to comply with the terms of this article and there shall be no refund.

Sec. 23-213. Payment of administrative costs.

Delinquent taxpayers shall pay a fee, as required by this section, to cover the administrative costs associated with the collection of delinquent taxes. This fee shall be in addition to all penalties and interest, and shall be in the amount of thirty dollars (\$30.00) for taxes collected subsequent to filing a warrant or other appropriate legal document but prior to judgment, and in the amount of thirty-five dollars (\$35.00) for taxes collected subsequent to judgment.

Sec. 23-214. Criminal penalties for failure to file applications; false statements.

Willful failure or refusal to file an application for a license when due or making false statements with intent to defraud in an application shall constitute a Class 3 misdemeanor if the amount of the tax lawfully assessed in connection with the application is one thousand dollars (\$1,000.00) or less, or a Class 1 misdemeanor if the amount of the tax lawfully assessed in connection with the application is more than one thousand dollars (\$1,000.00).

Sec. 23-215. Contractor's license prerequisite to obtaining permit, County contract.

Every contractor, electrical contractor, plumber and steamfitter, building wrecker, developer or speculative builder who proposes to work in the County for which a permit must be obtained or pursuant to a contract let by a department, bureau, or office of the County shall, upon making application for such permit or upon the award of such

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contract, exhibit to the proper County official the County license authorizing him to

engage in the business for the year in which the permit is applied for, or in which such

contract is awarded, and shall furnish to that official a list of his subcontractors and the

amounts of such subcontracts. If any of such subcontracts have not been closed or

awarded at the time of applying for such permit or award of such contract, he shall

furnish such list in writing immediately upon awarding the subcontracts, and he shall not

allow the work under any subcontract to proceed until the subcontractor shall have

exhibited to him his County license to do such business in the County for the current

<u>year.</u>

BE IT FURTHER ORDAINED that all revenues to be raised by the Business,

Professional and Occupational License tax be dedicated to the Transportation Fund.

BE IT STILL FURTHER ORDAINED that this ordinance shall become effective

on January 1, 2010.

Recess. At 2:45 A.M., the Chairman declared a recess.

Call to Order. At 2:52 A.M., the Chairman called the meeting back to order.

Addition to the Regular Agenda. Mr. Woodson motioned, seconded by Mr. Brito, to add

an item to the regular agenda to discuss the Water and Sewer Master Plan.

Discussion ensued.

The Voting Board tally was:

Yea: (4

(4) Schwartz, Woodson, Brito, Crisp

Nay: (3)

(3) Dudenhefer, Milde, Sterling

<u>Utilities</u>; Amend the Master Water and Sewer Plan. Mr. Woodson motioned, seconded

by Mr. Brito, to refer the Water and Sewer Master Plan to the Utilities Commission.

Discussion ensued.

The Voting Board tally was:

Yea: (3) Woodson, Brito, Crisp

Nay: (4) Milde, Schwartz, Sterling, Dudenhefer

Planning and Zoning/Code Administration; Amend Development and Building Fees for Services Provided by Planning and Zoning, Utilities, Code Administration and Fire and Rescue. Mr. Jeff Harvey, Director of Planning and Zoning and Mr. Keith Dayton, Director of Code Administration, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Dudenhefer motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O08-57.

The Voting Board tally was:

Yea: (6) Schwartz, Sterling, Woodson, Brito, Crisp, Dudenhefer

Nay: (1) Milde

Ordinance O08-57 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN DEVELOPMENT APPLICATION FEES FOR SERVICES PROVIDED BY THE DEPARTMENTS OF UTILITIES, FIRE AND RESCUE, AND PLANNING AND ZONING

WHEREAS, the Board is authorized by the Code of Virginia to set reasonable fees and charges for the development review services provided by the Departments of Code Administration, Utilities, Fire and Rescue, and Planning and Zoning; and

WHEREAS, the Board acknowledges that the fees for these services should be current with the costs for the services provided by the County in reviewing and processing such applications; and

WHEREAS, the Board desires to set the fees for these services to be commensurate with the services provided by the County in reviewing and processing such applications;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the schedule of fees for development review services listed below and provided by the Departments of Utilities, Fire and Rescue, and Planning and Zoning be and they hereby are amended and reordained as follows:

<u>Service</u>	<u>Current Fee</u>	Proposed Fee
Erosion & Sediment Control (E&S) and Stormwater Management (SWM)		
E&S/SWM Plan Review		

N/A

\$510

Preliminary Subdivision

(Third and subsequent

Plan

reviews)

Stormwater Management		
Concept Plan (Major Site		
Plan)		
(Third and subsequent		
reviews)	N/A	\$590
Subdivision Construction	\$200+contractor's review	\$2,040
Plan	charge @ \$70-220/hour;	
	\$2,700 application deposit	
	with balance due prior to	
	approval of plan	
(Third and subsequent		
reviews)	N/A	\$1,020
Preliminary Site Plan	N/A	\$1000
Major Site Plan		
(Third and subsequent	N/A	\$1,320
reviews)		
Grading Plan		
(Third and subsequent		
reviews)	N/A	\$530
Infrastructure Plan	N/A	\$1,060
(Third and subsequent		

N/A

\$530

Stormwater Management

reviews)

Exception Request \$450 \$450

FEMA Floodplain Study

Review \$100+\$35-110/hr.; \$2000

\$500 deposit

Fire and Rescue Development Plan Review

Preliminary Subdivision Plan

1-5 lot \$75 \$75 6-30 lots \$100 \$100 31-100 lots \$175 \$175 101-300 lots \$275 \$275

 \geq 301 lots \$275+\$1.50 per lot \$275+\$1.50 per lot

over 301 lots over 301 lots

Subdivision Construction Plan

1-5 lots \$200 \$200 6-30 lots \$300 \$300 31-100 lots \$400 \$400 101-300 lots \$600 \$600

 \geq 301 lots \$600+\$2.50 per lot \$600+\$2.50 per lot

over 301 lots over 301 lots

Major Site Plan

 < 1 disturbed acre</td>
 \$250
 \$250

 1-5 disturbed acres
 \$350
 \$350

> 5 disturbed acres \$350+\$75 per disturbed \$350+\$75 per disturbed

acre or portion thereof acre or portion thereof

	above 5 acres	above 5 acres			
Fire Lane Plan Review and Inspections	\$200	\$200			
Utilities Development Plan Review					
Major Site Plan (Third and subsequent	\$500	\$500			
(Third and subsequent reviews)	\$125	\$125			
Preliminary Site Plan	\$500	\$500			
(Third and subsequent reviews)	\$125	\$125			
Preliminary Subdivision					
Plan	\$325	\$325			
(Third and subsequent reviews)	\$75	\$75			
Subdivision Construction					
Plan	\$500	\$500			
(Third and subsequent reviews)	\$125	\$125			
Final Subdivision Plat	\$250	\$250			
(Third and subsequent reviews)	\$75	\$75			
Family Subdivision Plat (Third and subsequent	\$125	\$125			

reviews)	\$70	\$70		
Rezoning	\$85	\$85		
Conditional Use Permit	\$85	\$85		
Planning and Zoning Current Fee Proposed Fee				
BZA Variance				
Individual Residential				
Property	\$300	\$600		
Other	\$600	\$1,375		
BZA Special Exception Individual Residential				
Property	\$300	\$600		
Other	\$600	\$1,375		
BZA Appeal Individual Residential				
Property	\$500	\$600		
Other	\$1,800	\$1,900		
Conditional Use Permit	\$9,375 + (\$125/Acre>5)	\$9,750 + (\$125/Acre>5) + \$6.14/adjacent property notification		
Waiver to BOS	\$2,250 + \$850/Provision	\$2,250 + \$850/Provision		
Rezoning (Regular)	\$12,500 + (\$125/Acre>5)	\$12,500 + (\$125/Acre>) + \$6.14/adjacent property notification		

Rezoning (<5 acres)	\$4,375	\$4,375 + \$6.14/adjacent property notification
Proffer Amendment	\$10,000 + (\$25/Acre>5)	\$10,000 + (\$25/Acre>5) +\$6.14/adjacent property notification
Rezoning (Planned		
Development)	\$15,000 + (\$25/Acre>75)	\$15,000 + (\$25/Acre>75) + \$6.14/adjacent property notification
Proffer Amendment		
Planned Development	\$10,000 + (\$25/Acre>75)	\$10,000 + (\$25/Acre>75) + \$6.14/adjacent property notification
Private Access Easement	\$2,500	\$2,500
R-O-W Abandonment	\$4,500	\$4,500
Plat Vacation	\$150	\$150
Subdivision Waivers	\$750 + (\$500/Provision)	\$750 + (\$500/Provision)
Major Subdivision Plat (Third and subsequent	\$1,875 + (\$125/Lot)	\$1,875 + (\$125/Lot)
reviews)	\$3,125	\$3,125
Minor Subdivision Plat	\$1,250 + (\$125/Lot)	\$1,250 + (\$125/Lot)

\$600

\$1,000

(Third and subsequent	
reviews)	\$600
Family Subdivision	\$1,000
(Third and subsequent	

reviews) \$500 \$500

Subdivision Boundary

Line Adjustment \$625 \$625

(Third and subsequent

reviews) \$300 \$300

Dedication Plat \$1,050 \$1,050

Cluster Concept Plan \$1,875 + (\$125/Lot) \$1,875 + (\$125/Lot)

Preliminary

Subdivision Plan \$8,125 + (\$125/Lot) \$8,125 + (\$125/Lot)

(Third and subsequent

reviews) \$3,125 \$3,125

Preliminary

Subdivision Plan

(Technical revision) \$500 \$500

Subdivision

Construction Plan \$9,375 + \$9,375 +

\$625/Impervious Acre) \$625/Impervious Acre)

+ (\$1000/Pump Station) + (\$1000/Pump Station)

(Third and subsequent

review) \$3,125 \$3,125

Infrastructure Plan	\$3,750	\$3,750
(Third and subsequent		
reviews)	\$1,250	\$1,250
Major Site Plan	\$7,500 +	\$7,500 +
	(\$625/Impervious Acre)	(\$625/Impervious Acre)
(Third and subsequent		
reviews)	\$3,125	\$3,125
Minor Site Plan	\$800	\$1,690
(Third and subsequent		
reviews)	\$400	\$700
Duelling in a ma City Diag	Φ1 075 · (Φ250/A - ····)	¢1.075 . (¢250/A)
Preliminary Site Plan	\$1,875 + (\$250/Acre)	\$1,875 + (\$250/Acre)
(Third and subsequent		
	Ф000	¢000
reviews)	\$900	\$900
,	\$900	\$900
Certificate of		
,	\$900 \$25	\$900 \$25
Certificate of		
Certificate of Appropriateness	\$25	\$25
Certificate of Appropriateness	\$25	\$25
Certificate of Appropriateness Wetlands Permit	\$25 \$675	\$25 \$675
Certificate of Appropriateness Wetlands Permit Grading Plan	\$25 \$675	\$25 \$675
Certificate of Appropriateness Wetlands Permit Grading Plan (Third and subsequent	\$25 \$675 \$7,200	\$25 \$675 \$7,200
Certificate of Appropriateness Wetlands Permit Grading Plan (Third and subsequent	\$25 \$675 \$7,200	\$25 \$675 \$7,200
Certificate of Appropriateness Wetlands Permit Grading Plan (Third and subsequent reviews)	\$25 \$675 \$7,200 \$3,125	\$25 \$675 \$7,200 \$3,125
Certificate of Appropriateness Wetlands Permit Grading Plan (Third and subsequent reviews) Minor Grading Plan	\$25 \$675 \$7,200 \$3,125	\$25 \$675 \$7,200 \$3,125

Major Plan/Plat Revision	\$4,375	\$4,375
Minor Plan/Plat Revision	\$500	\$800
Street Name Change	\$2,500	\$2,500
Traffic Safety Request	\$65	\$65
Perennial Flow Review		
(<20 acres)	\$500	\$500
(20 acres or more)	\$750	\$750
Perennial Flow Analysis	\$500	\$500
(Family)		
Major Water Quality	\$500	\$500
Impact Review		
RPA Waiver Request	\$200	\$200
RPA Mitigation/Restoration	\$200	\$200
Plan		
Departure from		
Design Standards		
(Landscaping and		
Buffering)	\$2,250 + \$850/Provision	\$2,250 + \$850/Provision
Alternative Compliance		
(Landscaping and Buffering)	\$100	\$100

Zoning Administrator Written

Determination	\$100	\$100
Zoning Verification Letter	\$50	\$100
DMV Certification	\$50	\$50
Comprehensive Plan		
Amendment (<100 acres)	\$500	\$500
(100 acres or more)	\$1,000	\$1,000

Planning and Zoning Application Refunds

Conditional Use Permits, Rezonings and BZA Variances, Special Exceptions and Appeals:

If an application is withdrawn prior to the first public hearing, fifty (50) percent of the amount of the application fee may be refunded to the applicant.

If an application is withdrawn after the first public hearing, the application fee is non-refundable.

Plan and Plat Applications:

If an application is withdrawn prior to the completion of the first review, fifty (50) percent of the total fee amount paid will be refunded.

If an application is withdrawn after completion of the first review, the application fee is non-refundable.

BE IT FURTHER ORDAINED that this ordinance shall take effect on September 1, 2008; and

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BE IT FURTHER ORDAINED that the fees included in this ordinance were previously referenced in Ordinance O05-27 and Ordinance O07-61, and such sections of those ordinances be and hereby are rescinded effective September 1, 2008.

Mr. Dudenhefer motioned, seconded by Mr. Brito, to adopt proposed Ordinance O08-58.

The Voting Board tally was:

Yea: (6) Sterling, Woodson, Brito, Crisp, Dudenhefer, Schwartz

Nay: (1) Milde

Ordinance O08-58 reads as follows:

AN ORDINANCE TO AMEND BUILDING AND LAND DEVELOPMENT INSPECTION FEES PROVIDED BY THE DEPARTMENTS OF CODE ADMINISTRATION, FIRE AND RESCUE AND PLANNING AND ZONING

WHEREAS, the Board is authorized by the Code of Virginia to set reasonable fees for building and land development inspection services provided by the Departments of Code Administration, Fire and Rescue and Planning and Zoning; and

WHEREAS, the Board acknowledges that the fees for these services should be kept current with the actual costs of providing services; and

WHEREAS, building and land development inspection fees were last adjusted with the FY2006 Budget; and

WHEREAS, the Board desires to set fees for building and land development inspection services commensurate with the FY2009 costs of providing these services;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the schedule of fees for building and land development inspection services listed below and provided by the Departments of Code Administration, Fire and Rescue and Planning and Zoning be and they hereby are amended and reordained as follows:

Service	Current Fee	Proposed Fee
BUILDING Residential Construction		Payment for all plan review fees shall be made in advance. Building permit fees shall be paid prior to receiving a building permit.
Single-Family Dwellings – New Construction		
(Use Groups R-3 and R-4)		
Application Deposit – per address	\$500	\$0
Plan Review Fee – per sq. ft.	\$0.10/sq.ft.; \$200 min.	\$0.10/sq.ft.; \$200 min.
Architectural Building Review Fee (if applicable)	\$0	\$300
Building Construction – per sq. ft.	\$0.14/sq.ft.; \$50 min.	\$0.14/sq.ft.; \$50 min.
Plan Amendments – per sq. ft. of involved area	\$0.03/sq.ft.; \$50 min.	\$0.04/sq.ft.; \$50 min.
All Trades – i.e., electric, plumbing, etc. – per trade per system	\$50	\$60
Supplemental Heating Units – i.e., gas logs, fireplace inserts, space heaters, chimneys, etc. – per unit	\$45	\$60
Utility Hookups – i.e., electric, water, sewer, etc. – per hookup	\$50	\$60
Mechanical Lifts – i.e., elevators, wheelchairs – per level	\$50	\$60

ASME Tanks, Grease Traps, Separators, Backflow and		
Backwater Devices, etc. – per unit	\$50	\$60
	\$50	Ф.СО
Certificate of Occupancy	\$50 \$250	\$60 \$250
Temporary Occupancy	(\$200 refundable)	(Non-refundable)
State Levy – on total building permit fees	1.75%	1.75%
Additions and Alterations (Use Groups R-3 and R-4)		
Application Deposit – per address	\$50	\$0
Plan Review Fee – per sq. ft.	\$0.10/sq.ft.; \$75 min.	\$0.10/sq.ft.; \$75 min.
Architectural Building Review Fee (if applicable)	\$0	\$300
Building Construction Additions – per sq. ft.	\$0.14/sq.ft.; \$50 min.	\$0.14/sq.ft.; \$50 min.
Building Construction Alterations – per sq. ft.	\$0.10/sq.ft.; \$50 min.	\$0.10/sq.ft.; \$50 min.
Plan Amendments – per sq. ft. of involved area	\$0.03/sq.ft.; \$50 min.	\$0.04/sq.ft.; \$50 min.
All Trades – i.e., electric, plumbing, etc. – per trade per system	\$50	\$60
Supplemental Heating Units – i.e., gas logs, fireplace inserts, space heaters, chimneys, etc. – per unit	\$45	\$60
Utility Hookups – i.e., electric, water, sewer, etc. – per hookup	\$50	\$60
Mechanical Lifts – i.e., elevators, wheelchairs – per level	\$50	\$60
ASME Tanks, Grease Traps, Separators, Backflow, and		
Backwater Devices, etc. – per unit	\$50	\$60
	1.75%	1.75%

Multi-Family Dwellings (Use Groups R-1 and R-2)

Application Deposit – per address including shell	\$100	\$0
Plan Review Fee – per sq. ft.	\$0.10/sq.ft.; \$200 min.	\$0.10/sq.ft.; \$200 min.
Architectural Building Review Fee (if applicable)	\$0	\$300
Building Construction – per sq. ft.	\$0.14/sq.ft.; \$50 min.	\$0.14/sq.ft.; \$50 min.
Plan Amendments – per sq. ft. of involved area	\$0.04/sq.ft.; \$50 min.	\$0.04/sq.ft.; \$50 min.
All Trades – i.e., electric, plumbing, etc. – per trade per system	\$50	\$60
Supplemental Heating Units – i.e. gas logs, fireplace inserts, space heaters, chimneys, etc. – per unit	\$45	\$60
Utility Hookups – i.e., electric, water, sewer, etc. – per hookup	\$50	\$60
Mechanical Lifts – i.e., elevators, wheelchairs – per level	\$50	\$60
ASME Tanks, Grease Traps, Separators, Backflow and Backwater Devices, etc. – per unit	\$50	\$60
Certificate of Occupancy	\$50	\$60
Temporary Occupancy	\$250 (\$200 refundable)	\$250 (Non-refundable)
State Levy – on total building permit fees	1.75%	1.75%

Commercial Construction

 $New\ Construction-Structural$

(All Use Groups Except R)

Application Deposit – per address	\$500	\$0
Plan Review Fee – per sq. ft.	\$0/sq.ft.; \$0 min.	\$0.10/sq.ft.; \$200 min.
Architectural Building Review Fee (if applicable)	\$0	\$300
Building Construction – per sq. ft.	\$0.14/sq.ft.; \$50 min.	\$0.14/sq.ft.; \$50 min.
Plan Amendments – per sq. ft. of involved area	\$0.05/sq.ft.; \$50 min.	\$0.05/sq.ft.; \$50 min.
Retaining Walls, Ramps, Docks, etc. – per sq. ft. of surface area	\$0.20/sq.ft.; \$50 min.	
Ramps, Docks, etc. – per sq. ft. of surface area		\$0.20/sq.ft.; \$50 min.
Retaining Walls – per lineal feet of wall		\$0.80/lin.ft.; \$50 min.
Towers – per ft. of height	\$1.00/ft.; \$150 min.	\$1.00/ft.; \$150 min.
Certificate of Occupancy	\$50 \$350	\$60 \$250
Certificate of Occupancy Temporary Occupancy	\$50 \$250 (\$200 refundable)	\$60 \$250 (Non-refundable)
	\$250	\$250
Temporary Occupancy	\$250 (\$200 refundable)	\$250 (Non-refundable)
Temporary Occupancy State Levy – on total building permit fees Additions and Alterations – Structural	\$250 (\$200 refundable)	\$250 (Non-refundable)
Temporary Occupancy State Levy – on total building permit fees Additions and Alterations – Structural (All Use Groups Except R)	\$250 (\$200 refundable) 1.75%	\$250 (Non-refundable) 1.75%
Temporary Occupancy State Levy – on total building permit fees Additions and Alterations – Structural (All Use Groups Except R) Application Deposit – per address	\$250 (\$200 refundable) 1.75%	\$250 (Non-refundable) 1.75%
Temporary Occupancy State Levy – on total building permit fees Additions and Alterations – Structural (All Use Groups Except R) Application Deposit – per address Plan Review Fee – per sq. ft.	\$250 (\$200 refundable) 1.75% \$100 \$0/sq.ft.; \$0 min.	\$250 (Non-refundable) 1.75% \$0 \$0.10/sq.ft.; \$200 min

area

Plan Amendments - per sq. ft. of involved area \$0.05/sq.ft.; \$50 min. \$0.05/sq.ft.; \$50 min. Retaining Walls, Ramps, Docks, etc. - per sq. ft. of surface \$0.20/sq.ft.; \$50 min. area Ramps, Docks, etc. - per sq. ft. of surface area \$0.20/sq.ft.; \$50 min. Retaining Walls - per lineal feet of wall \$0.80/lin.ft.; \$50 min. Towers - per ft. of height \$1.00/ft.; \$150 min. \$1.00/ft.; \$150 min. Certificate of Occupancy \$50 \$60 \$250 \$250 Temporary Occupancy (\$200 refundable) (Non-refundable) State Levy – on total building permit fees 1.75% 1.75% Pools, Spas, Hot Tubs, etc. - Residential and Commercial (All Use Groups) \$100 \$0 Application Deposit - per unit

Plan Review Fee – per sq. ft. \$0/sq.ft.; \$0 min. \$0.10/sq.ft.; \$100 min.

Pool Square Footage to include decks, walkways, and alterations – per sq. ft. \$0.20/sq.ft.; \$50 min. \$0.20/sq.ft.; \$50 min.

State Levy – on total building permit fees 1.75% 1.75%

Trades – Electrical, Mechanical, Plumbing, etc. (All Use Groups Except R)

Application Deposit - per trade per address

\$50

\$0

Plan Review Fee

1. If included with commercial new or alteration plan:		No Extra Charge
2. If submitted as stand alone improvement:	\$0/sq.ft.; \$0 min.	\$0.10/sq.ft.; \$100 min
Each Trade (except plumbing and fire) – per trade per sq. ft. of involved area	\$0.04/sq.ft.; \$50 min.	\$0.04/sq.ft.; \$50 min.
Plan or Permit Amendments – per trade per sq. ft. of involved area	\$0.04/sq.ft.; \$50 min.	\$0.04/sq.ft.; \$50 min.
Appliances or Equipment – i.e., boilers, cooling towers, generators, product dispensers, paint booths, etc., - per item	\$50	\$60
Freezers, Heaters, Fans, Generators, Air Compressors, Pumps, Hood Suppression Systems, etc. – per item	\$50	\$60
Utility Services – i.e. electric, water, gas meter, transformers, sub-panels, pumps, etc. – per item	\$50	\$60
Mechanical Lifts – i.e., elevators, escalators, dumbwaiters, wheelchairs, etc. – per level	\$50	\$60
Ductwork, Hoods, Monitoring Systems, Control Systems, Alarm Systems, Piping Systems – per individual system per sq. ft. of involved area	\$0.04/sq.ft.; \$50 min.	\$0.04/sq.ft.; \$50 min.
ASME Tanks, Grease Traps, Separators, Backflows and Backwater Devices, etc. – per unit	\$50	\$60
Plumbing Fixtures, Devices, Traps, etc. – per unit	\$5; \$50 min.	\$5; \$50 min.
Main Supply Lines for All Trades Except Fire – per unit	\$100	\$100
VAVs, Directional Devices, Pressure Reducing Devices, etc. – per unit	\$15	\$15
State Levy – on total building permit fees	1.75%	1.75%

Fire Protection Systems (Department of Fire and Rescue fees charged with Building Permit) (All Use Groups)

Sprinkler System Limited Occupancy – per system	\$55	\$55
Sprinkler System Light Hazard Occupancy – Minimum fee	\$136	\$136
1-100 Sprinkler Heads, per head	\$2.20	\$2.20
101-300 Sprinkler Heads, per head	\$2.10	\$2.10
301-500 Sprinkler Heads, per head	\$1.99	\$1.99
501+ Sprinkler Heads, per head	\$1.78	\$1.78
Sprinkler Ordinary Hazard and Rack Storage – Minimum		
fee	\$136	\$136
1-100 Sprinkler Heads, per head	\$2.20	\$2.20
101-300 Sprinkler Heads, per head	\$1.99	\$1.99
301-500 Sprinkler Heads, per head	\$1.57	\$1.57
501+ Sprinkler Heads, per head	\$1.26	\$1.26
Sprinkler Extra Hazard – Minimum fee	\$136	\$136
1-100 Sprinkler Heads, per head	\$1.68	\$1.68
101-300 Sprinkler Heads, per head	\$1.57	\$1.57
301-500 Sprinkler Heads, per head	\$1.47	\$1.47
501+ Sprinkler Heads, per head	\$1.26	\$1.26
NFPA 13R System – Minimum fee	\$136	\$136
	\$2.20	\$2.20

1-100 Sprinkler Heads, per head		
101-300 Sprinkler Heads, per head	\$2.10	\$2.10
301-500 Sprinkler Heads, per head	\$1.99	\$1.99
501+ Sprinkler Heads, per head	\$1.78	\$1.78
NFPA 13D Systems – per system	\$50	\$50
Dry Pipe System – per dry pipe valve	\$52	\$52
Sprinkler & Standpipe – per standpipe riser	\$150	\$150
Standpipe System – per system	\$100	\$100
Fire Pump – per fire pump, includes all risers	\$275	\$275
Fire Alarm System – per device	\$5; \$100 min.	\$5; \$100 min.
Fire Dampers – per item	\$10; \$100 min.	\$10; \$100 min.
Underground Fire Service Line – per unit	\$150	\$150
Range Hood System – per system	\$200	\$200
Carbon Dioxide Extinguishing System – per system	\$110	\$110
Clean Agent Extinguishing System – per system	\$100	\$100
Dry Chemical System – per system	\$100	\$100
Dry Chemical System – per system Wet Chemical System – per system	\$100 \$100	\$100 \$100

Plan Revision or Additional Plan Review – per review		
Inspection by Fire and Rescue – per inspection (800 series in Hansen)	\$0	\$200
Re-Inspection Fee – for additional inspections	\$50	\$200
State Levy – on total permit fees	1.75%	1.75%
Zoning (Department of Planning and Zoning Fees		
charged with Building Permit)		
Residential New Zoning Permit	\$70	\$100
Residential Change Zoning Permit	\$55	\$70
Commercial Zoning Permit		
Minor Development	\$100	\$125
Major Development	\$200	\$250
Sign Permit – per square foot	\$120+\$2/sq.ft.	\$120+\$2/sq.ft.
Administrative		
(All Use Groups)		
Building Code, Fire Code, Property Maintenance, and		
Amusement Device Appeals – per appeal (non-refundable		
if withdrawn by applicant, refundable upon applicant's		
successful appeal)	\$500	\$500
Permit information changes – per address	\$25	\$25
Stop Work Orders and Violation Notices – per event	\$100	\$200
Re-inspection Fees – per re-inspection per trade (except		
fire) – one free re-inspection	\$40	\$60
Approval for Third Party Inspectors to include access to the		
County IWR Computer System – setup fee (non-		
refundable)	\$250	\$250
Record research, reports, documents, verifications, etc per		
hour (estimated total fee payable in advance, non-		
refundable)	\$40/hr.	\$40/hr.

Mailed or faxed documents, letters, reports, occupancy permits, Freedom of Information materials, etc. – per page (non-refundable)

\$2/page \$2/page

Photocopies – per page \$0.25/page \$0.25/page

Fees not established by the Fee Schedule shall be determined by the Building Official utilizing the concepts adopted by the Fee Schedule

Fees for amusement devices shall be in accordance with State of Virginia regulations

Fees may be waived at the discretion of the Building Official when such work is being performed by a nonprofit or governmental organization for other than themselves

Minimum fees as adopted by the Fee Schedule may be increased at the discretion of the Building Official when the work to be performed is in an amount or of such complexity that exceeds the costs incurred by the County for the required inspections

ENVIRONMENTAL (Erosion & Sediment Control, Stormwater Management and Chesapeake Bay Preservation Area)

		\$600/dist.ac.; \$600 min.
	\$250+\$400/dist.ac.;	fee; \$1000 annual renewal
Grading Permit – per disturbed acre or portion thereof	\$250 annual renewal	fee
CBPA Building Permit Review (Residential NEW)	\$55	\$75
CBPA Building Permit Review (Residential CHANGE)	\$0	\$25
Residential Lot Grading – building permit	\$300	\$500

Landscaping Inspection – Residential (per Building Permit)	\$0	\$25
Landscaping Inspection – Commercial (per Building		
Permit)	\$0	\$100
Stormwater Management/ Drainage As-Built Plan Review	\$200	\$300
Stormwater BMP Maintenance Inspection by County Staff (per BMP facility)		
Stormwater Ponds (Retention, Ext. Detention,		
Detention Facilities)	\$0	\$300
Filtration/Infiltration Facilities (Bioretention,		
Bioinfiltration, Infiltration Trench, Constructed		
Wetlands, Sand Filter, Dry Well System,		
Porous/Permeable Pavement Systems, Tree		
Box Filter, Vegetated Roofs, etc.)	\$0	\$75
Level Spreaders/Filter Strips, Vegetated/Grassed		
Swales, Above Ground Water Quality/		
Manufactured Facilities, Check Dams, etc.	\$0	\$50
Onlot LID Facilities (Rain Gardens, Rain Barrels,		
Dry Wells, etc.)	\$0	\$0
County Staff Review of Owner BMP Maintenance		
Inspection Report Prepared by Registered Design		
Professional (Per BMP facility)	\$0	\$50
Major Water Quality Impact Review	\$500	\$500
RPA Waiver Request	\$200	\$200
RPA Mitigation/Restoration Plan	\$200	\$200

SECURITIES

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Securities Contract Management Fee	\$500	\$550
Security Reduction	\$300	\$325
Replacement of Agreement	\$500	\$500
Substitution of Security	\$0	\$350
Security Contract Extensions	\$0	\$300
Security Default Action	\$0	\$600
Report Requests	\$0	\$75
Individual Building Lot Security Fees		
Management Fee (Building Lots)	\$100 (Security amount less than \$10,000) \$150 (Security amount greater than \$10,000)	\$175
Substitution Fee	\$0	\$125
Report Requests	\$0	\$75
FIRE PREVENTION CODE PERMITS (Department of Fire and Rescue)		
Aviation Facility	\$75	\$200
Flammable/Combustible Liquid	\$100	\$200
Assembly/Educational	\$75	\$200

\$75

\$200

Storage	/Use	of L	PG

Vehicle Repair Shop	\$75	\$200
Dry Cleaning	\$75	\$200
Hazardous Materials Storage	\$500	\$500
Waste Material Handling	\$75	\$200
Floor Refinishing	\$75	\$200
Flammable Finishes	\$75	\$200
Hot Work or Cutting/Welding	\$75	\$200
Blasting	\$100	\$200
Commercial Burn	\$150	\$200
Fireworks: Aerial Display	\$500	\$500
Fireworks: Permanent Vendor	\$150	\$200
Fireworks: Itinerant Vendor	\$1,000	\$1,000
Fireworks: Distributor	\$500	\$500
Explosives/Fireworks Storage	\$100	\$200
Tents	\$75	\$200

BE IT FURTHER ORDAINED that this ordinance shall take effect on September 1, 2008; and

BE IT FURTHER ORDAINED that the fees included in this ordinance previously referenced in Ordinance O05-27 and Ordinance O07-61, and such sections of those ordinances be and hereby are rescinded effective September 1, 2008.

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Mr. Brito motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R08-382.

The Voting Board tally was:

Yea: (6) Woodson, Brito, Crisp, Dudenhefer, Schwartz, Sterling

Nay: (1) Milde

Resolution R08-382 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ADVERTISE A PUBLIC HEARING FOR AMENDMENT AND
READOPTION OF DEVELOPMENT FEES FOR SERVICES
PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING

WHEREAS, the Board is authorized to set reasonable fees and charges for the review services provided by the Department of Planning and Zoning; and

WHEREAS, the Board acknowledges that the fees for these services have not tracked the costs for the services provided; and

WHEREAS, the Board desires to set fees for services to be commensurate with services provided by the County in reviewing and processing such applications;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that the County Administrator be and he hereby is authorized to advertise a public hearing for amendment and readoption of the Development Fee Schedule for the Department of Planning and Zoning.

Code Administration; Amend the Erosion and Sediment Control Ordinance to Require Construction Phasing. Mr. Steve Hubble, Environmental Manager, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Mr. Crisp, to adopt proposed Ordinance O08-52 with changes.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson

Nay: (0)

Ordinance O08-52 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTIONS 11-2, 11-12, AND 11-32 OF THE EROSION AND SEDIMENT CONTROL ORDINANCE TO REQUIRE CONSTRUCTION PHASING

WHEREAS, local Erosion and Sediment Control programs are authorized by the Code of Virginia to have more stringent regulations than the State minimum criteria; and

WHEREAS, mass grading of large development sites can result in increased sediment loads in runoff leaving construction sites; and

WHEREAS, conventional erosion control practices on the average remove only seventy percent of sediments in runoff; and

WHEREAS, the Board desires to amend the Erosion and Sediment Control Ordinance to require construction phasing for development projects; and

WHEREAS, the Board has considered the recommendations of staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, and general welfare requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that Stafford County Code, Sections 11-2, 11-12, and 11-32 of the Erosion and Sediment Control Ordinance be and they hereby are amended and reordained as follows:

Section 11-2. Definitions

Construction phasing or "staging of construction," as the term is used in this Chapter, means a construction process to control erosion and sedimentation where only a specified portion of an entire construction site is disturbed at any one time for the construction of the required infrastructure within that portion, and no subsequent portion of the construction site is allowed to be disturbed until the previous portion of land has been stabilized. Construction phasing is not to be confused with the terms "phasing of development" or "construction sequencing."

<u>Stabilization</u> means the physical act of installing, applying or planting vegetative or structural soil cover to an area of land to a stabilized condition.

<u>Stabilized</u> means the condition of an area of land that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion and or sediment damage to it or to any abutting or adjacent land or water feature.

Section 11-12. General Standards

- (b) The following criteria shall apply to all applications for permits under this chapter. These criteria are in addition to those standards set forth in the handbook referred to in subsection (a) above:
 - (10) Construction phasing is encouraged for all land development projects and shall be required for those projects that will disturb more than 40 acres of land, except for commercial, industrial, institutional, School Board, and County development projects. Additionally, the construction of roads and utilities for residential projects in accordance with approved plans shall also be exempt from the construction phasing requirement. The size of the separate construction phases on a project and the elements of the phasing plan shall be established during plan review and are subject to approval by the plan approving authority. The phasing plan shall address, but not be limited to, the following factors:
 - a. The size of the land disturbance.
 - b. The presence of steep slopes greater than 25%.
 - c. The presence of highly erodible soils.
 - d. The proximity of the site to perennial or intermittent streams located either on the development site or located on an abutting or adjacent property.
 - e. The ability of traditional/conventional erosion and sediment controls to provide adequate control of sediment and erosion for the land disturbing activity.
 - <u>f.</u> The proposed use or type of development occurring on the property and the anticipated duration of the land disturbing activity.

g. The ability to balance cuts and fills on the site within each phase of the development.

Where construction phasing is required, no additional portions of the development site shall be disturbed until it has been determined by inspection and approval, that the initial or previous phasing area has been stabilized. The permit holder shall be required to mark the limits of clearing allowable for any construction phasing area as established by the approved plan either with temporary fencing, reflective tape, signs or such other acceptable methods clearly delineating for workers on the site the limits of clearing allowed in any single approved construction phase. No applicant shall be permitted to circumvent the requirement for phasing by applying for separate permits for adjoining portions of lands smaller in size than the threshold size requirement for construction phasing provided above when it is clear from other documents and/or plats or plans that the intended development of the land, as a whole, is for a single connected project. The requirements for construction phasing in this section shall apply to erosion and sediment control plans submitted on or after July 2, 2008.

Section 11-32. Requirements for preparation and review

- (c) The erosion and sediment control plan shall contain a construction phasing plan in accordance with Section 11-12 of this chapter.
- (c)(d) In addition to subsections (a) and, (b) and (c) above, the plan-approving authority may require additional information or plans where deemed necessary to carry out the intent of this chapter.

<u>Planning and Zoning; Amend the Stormwater Management Ordinance and Design</u>

<u>Manual.</u> Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and responded to Board members questions.

The Chairman opened a public hearing.

The following person spoke:

Tim Edwards

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Sterling, to defer proposed Ordinance O08-50.

The Voting Board tally was:

Yea: (7) Crisp, Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito

Nay: (0)

Legislative; Discuss Appointment of Potomac Rappahannock Transportation

Commission (PRTC) Executive Committee Members and Virginia Railway Express

(VRE) Operations Board Members/Alternates. Mr. Brito motioned, seconded by Mr. Milde to adopt proposed Resolution R08-391.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Milde, Schwartz, Sterling, Woodson, Brito, Crisp

Nay: (0)

Resolution R08-391 reads as follows:

A RESOLUTION TO APPOINT MEMBERS AND ALTERNATES
TO THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION
COMMISSION

WHEREAS, the Founding Ordinance and Master Agreement for the Potomac and Rappahannock Transportation Commission states that Stafford County will be represented with two members from among its governing body or otherwise, and further indicates that the governing body may also appoint alternate members; and

WHEREAS, the Board has previously appointed the following:

<u>NAME</u> <u>EXPIRATION</u>

George H. Schwartz Pleasure of the Board

(Board of Supervisor)

Paul Milde Pleasure of the Board

(Board of Supervisor)

Mark Dudenhefer Pleasure of the Board

(Alternate)

(VACANT) Pleasure of the Board

(Alternate)

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of July, 2008, that

<u>NAME</u> <u>EXPIRATION</u>

Paul V. Milde III Pleasure of the Board

(Board of Supervisor)

George Schwartz Pleasure of the Board

(Board of Supervisor)	
Mark Dudenhefer	Pleasure of the Board
(Alternate)	
Harry Crisp	Pleasure of the Board
(Alternate)	
be and they hereby are appointed to the Commission.	Potomac and Rappahannock Transportation
Legislative; Discuss Sidewalks and Trails. N	Mr. Brito requested that this item be deferred.
Hearing no objections from the Board, this it	em was deferred to the next Board meeting.
<u>Legislative</u> ; <u>Discuss Proposed Rappahannocl</u> requested that this item be deferred.	k River Overlay District. Mr. Milde
Hearing no objections from the Board, this it	em was deferred to the next Board meeting.
Legislative; Discuss County Code Section 2 deferred.	25-71. Mr. Crisp requested that this item be
Hearing no objections from the Board, this it	em was deferred to the next Board meeting.
Adjournment. At 3:40 A.M., the Chairman of	leclared the meeting adjourned.
A .1 T.D .11	
Anthony J. Romanello, ICMA-CM County Administrator	George H. Schwartz Chairman
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